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9 **UNITED STATES DISTRICT COURT**  
10 **NORTHERN DISTRICT OF CALIFORNIA**  
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12 ALAN SUKIN,

13 Plaintiff,

14 v.

15 STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY, THE  
16 COMMISSIONER OF THE CALIFORNIA  
DEPARTMENT OF INSURANCE and  
17 DOES 1 – 20, inclusive,

18 Defendants.  
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) **Case No.: CV07-02829 VRW (E-FILING)**

) [PROPOSED] ORDER GRANTING  
PLAINTIFF'S MOTION TO REMAND

) DATE : Thursday, August 16, 2007

) TIME : 2:00 P.M.

) PLACE: Courtroom 6, 17<sup>th</sup> Floor

) [Filed concurrently with Plaintiff's Notice of  
Motion and Motion to Remand; Points &  
Authorities in Support Thereof; Declarations  
of Bennett M. Cohen and Plaintiff Alan Sukin  
in Support Thereof

) TRIAL DATE: NONE SET

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23 On August 16, 2007, Plaintiff Alan Sukin's motion for remand came on for hearing  
24 before this Court, the Honorable Vaughn R. Walker, presiding.

25 After considering all the papers filed in this action and oral argument, the Court find that  
26 Plaintiff has stated valid causes of action against the Commissioner of the California Department  
27 of Insurance and that joinder is proper. The Court further finds that Defendant State Farm  
28

1 Mutual Automobile Insurance Company has failed to establish either federal question or  
2 diversity jurisdiction and its notice of removal is procedurally defective.

3 GOOD CAUSE APPEARING it is hereby order, adjudged and decreed that Plaintiff's  
4 motion to remand this case to State Court is granted. The Court further awards to Plaintiff costs  
5 and attorney's fees in the amount of \$ \_\_\_\_\_.  
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10 Vaughn R. Walker, Judge  
11 UNITED STATES DISTRICT COURT  
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**PROOF OF SERVICE***Alan Sukin v. State Farm Mutual Automobile Insurance Company, et al.**U.S. District Court, Northern District of California, Case No. C07- 07-2829 VRW*

I am a resident of the State of California, over the age of eighteen years and not a party to this action. My business address is 1050 Battery Street, San Francisco, California 94111. On July 2, 2007, I will serve the following documents:

[PROPOSED] ORDER GRANTING PLAINTIFF'S MOTION TO REMAND

in the manner as provided by Rule 5(b) of the Federal Rules of Civil Procedure by placing a true copy of the document(s) listed above, enclosed in a sealed envelope, addressed as set forth below, for collection and mailing on the date and at the business address shown above following our ordinary business practices. I am readily familiar with this business practice for collection and processing of correspondence for mailing with the United States Postal Service. On the same day that a sealed envelope is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service with postage fully prepaid. I am employed in the county where the mailing described below occurred, and am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. I placed a true copy of the specified document(s) in a sealed envelope(s) with postage thereon fully prepaid. The envelope(s) will be deposited with the United States Postal Service on this day in the ordinary course of business in San Francisco, California.

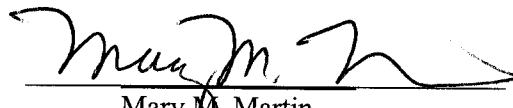
**FOR DEFENDANT STATE FARM  
MUTUAL AUTOMOBILE INSURANCE  
COMPANY:**

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**(X) (FEDERAL)** I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made. Executed at San Francisco, California, on July 2, 2007.

  
Mary M. Martin